THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22836 OF 2005

DATED:24.10.2005

Between:

Kancherla Navaneetha

…Petitioner

And

Superintendent of Police, Warangal

and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22836 OF 2005

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ORDER:

There is a dispute as to title in respect of land admeasuring 2049 Sq.yards in S.No.94 of Jangaon Municipality. The petitioner alleges that respondents 4 and 5 grabbed the land. Therefore, petitioner filed L.G.C.No.25 of 2005 before the Special Court under A.P. Land Grabbing (Prohibition) Act, 1982 (for short, the Act), which is pending. In the meanwhile, the petitioner alleges that respondents 4 and 5 so as to set up a petrol bunk have submitted an application before respondents 1 to 3 seeking permission for construction and installation of petrol bunk. Having come to know, petitioner filed his objection petition. Apprehending that his objection will not be considered, the petitioner filed the Writ Petition seeking a direction to respondents 1 to 3 to consider the representation of the petitioner. In the

interlocutory application, the petitioner also seeks an interim direction to respondents 4 and 5 not to set up petrol bunk in S.No.94.

After hearing the learned counsel for the petitioner and the learned Standing Counsel for the third respondent, it becomes clear that the petitioner has already approached the Special Court under the Act and therefore nothing prevents him to obtain appropriate orders against respondents 4 and 5. Further, it is brought to the notice of this Court that petitioner earlier filed Writ Petition No.21402 of 2005 seeking a direction to the Commissioner, Jangaon Municipality to demolish the unauthorized construction made by respondents 4 and 5. Though the Writ Petition was dismissed as withdrawn, the said Writ Petition would show that the respondents 4 and 5 already made some construction. In that view of the matter, petitioner's remedy lies in approaching the Special Court and obtaining appropriate interlocutory orders against respondents, especially respondents 4 and 5. Simultaneously, petitioner cannot pursue two remedies and therefore the Writ Petition is not maintainable.

The Writ Petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

24.10.2005

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